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HAZARDOUS WASTE FEE SUMMARY EFFECTIVE JANUARY 1, 2004

INTRODUCTION

The Department of Toxic Substances Control (DTSC) is the lead agency in California for hazardous waste management. DTSC enforces the state's Hazardous Waste Control laws, issues permits to hazardous waste facilities, and mitigates contaminated hazardous waste sites. This document summarizes the fees charged by DTSC. Many of the fees described in this document are collected for DTSC by the Board of Equalization (BOE). In addition to the fees described in this document DTSC also receives funds from the United States EPA (U.S. EPA), the Department of Defense, fines and penalties collected for violations of the Hazardous Waste Control Laws, reimbursement agreements and cost recoveries from responsible parties.

The purpose of this document is to conveniently summarize state law as it relates to fees charged by DTSC or collected by BOE for DTSC. A more detailed description of DTSC's fees can be obtained by referring to the specific references to state law provided in this document and to other provisions of state law which relate to DTSC's fees. In the event of a conflict between state law, regulations or policy and this document, state law, regulations or policy will prevail.

LEGISLATIVE HISTORY

The Hazardous Substance Account (HSA) was created by Chapter 756, Statutes of 1981. In 1989, SB 475, Torres (c. 269, stats. 1989) moved the Land Disposal fees from the Hazardous Waste Control Account (HWCA) to the HSA, established the environmental fee, set the base rate for the disposal fees at \$52.50, and added a new category for waste transported out of state.

In FY 90/91, SB 1857, Torres (c. 1268, stats. 1990) eliminated the Superfund tax and the discount for disposal at double-lined surface impoundments, and reduced the base rate for mining waste from 25 percent to 13 percent. In addition, it doubled the disposal fee base rate from \$52.50 to \$105.00 per ton, and made several technical and corrective changes to the hazardous waste funding program. These rates became effective on January 1, 1991.

In FY 91/92, SB 48, Thompson (c. 766, stats. 1991) created the Railroad Accident and Prevention Fund and mandated DTSC to establish a fee to be paid by surface transporters of hazardous materials to fund the Railroad Accident Prevention and Immediate Deployment (RAPID) Force.

In FY 92/93, SB 1469, Calderon (c. 852, stats. 1992) created the Federal Receipts Account for fees collected from Federal Agencies, combined the HWCA and the HSA accounts into the HWCA, and created the Site Remediation Account, which is funded from the HWCA to pay for direct site cleanup. Land disposal fees for waste going out of state were eliminated, and the disposal fee for the Resource Conservation and Recovery Act (Federal), 42 USC Sec 6901, 40 CFR (RCRA) waste dropped from \$105 to \$42.42 per ton. This bill also created two new fees, the Manifest User Fee and the EPA ID number identification fee. AB 1772, Polanco (c. 1325, stats. 1992) established a new Tiered Permitting fee, exempted certain onsite treaters from past and future facility fees, and established new annual fees for companies that operate in the lower tiers.

In FY 93/94, SB 27, Wright (c. 410, stats. 1993) set new fees for the Standardized Permits for hazardous waste treatment and storage facilities which accept hazardous waste from other locations and which are not required to obtain a permit under federal law (RCRA). Also, SB 922, Calderon (c. 1145, stats. 1993) made substantial changes to the California Hazardous Substances Tax Law, effective January 1, 1994. Some of these changes include reducing the disposal fee on cleanup waste, eliminating most site mitigation activity fees, reducing the manifest fee on recycled wastes, increasing the generator fee, and limiting the liability for facility fees after closure. SB 1123, Calderon (c. 65, stats. 1994) exempted the facilities and operators from any permit modification fee liability resulting from a revision of the facility's or operator's closure plan.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.dtsc.ca.gov.

In FY 94/95, AB 3582, Richter (c. 1154, stats. 1994) effective January 1, 1995 established that, oil-contaminated bilge water that requires a National Pollutant Discharge Elimination System Permit (NPDES) from a regional water quality control board is no longer considered to be "used oil." It is now subject to the hazardous waste generator fee if shipped off-site for treatment. Bilge water treated in an onsite treatment unit authorized to operate under Permit by Rule (PBR), under Conditional Authorization (CA), or under Conditional Exemption (CE), remains exempt from the generator fee, under Section 25205.5(e)(2) of the Health and Safety Code. The effluent or residue from the treatment process is subject to the fee unless another exemption applies. Also, SB 1815, Wright (c. 548, stats. 1994) set the base rate for a Standardized Permit to be the base rates for the 1993-94 fiscal year. SB 1082, Calderon (c. 418, stats. 1993) created the Unified Program Agency to institute a single fee system. DTSC will receive a surcharge which will be determined by the Secretary of Cal/EPA annually.

In FY 95/96, SB 1222, Calderon (c. 638, stats. 1995) lowered the rate for non-RCRA cleanup waste to \$7.50 per ton, other non-RCRA waste to \$17.94 per ton and added the reduced fee for designated treatment residues disposed in-state. In addition, this bill required hazardous waste disposal facilities to collect the disposal fee and transmit the fee to BOE and eliminated the requirement for facilities receiving non-RCRA waste imported for treatment, recycling or disposal to pay the generator fee. AB 1906, Sher (c. 637, stats. 1995) consolidated fee return filing and provided for prepayment for the facility, generator and generator surcharge fees. SB 1964, Figueroa (c. 630, stats. 1995) requires annual adjustments to the hazardous waste fees be based on the Consumer Price Index for California rather than the U.S. SB 1291, Wright (c. 640, stats. 1995) created procedures to convert from a full permit or ISD to an onsite tier, either Permit By Rule (PBR), Conditional Authorization (CA) or Conditional Exemption (CE), and established a fee of \$500 for the permit modification to make the conversion. Fees are paid only on the highest tier.

In FY 96/97, AB 2776, Miller (c. 999, stats. 1996) allowed DTSC to, until January 1, 2002, grant temporary relief from certain requirements by issuing a single variance to all affected businesses and allowing a variance applicant to enter into an optional cost reimbursement agreement as an alternative to the flat rate variance fee. SB 1532, Wright (c. 259, stats. 1996) changed existing law to require that certain facilities operating under a standardized permit or grant of interim status receive a credit for the annual facility fee. It also exempted a generator from the annual generator fee if the generator's facility received a credit under the facility fee provision for a specific site. SB 1839, Committee on Revenue and Taxation (c. 226, stats 1996) specified that, effective July 20, 1996, a generator fee prepayment is not required for a fee payer whose prepayment due is less than \$500.

In FY 97/98, SB 660, Sher (c. 870, stats. 1997) enacted the Environmental Cleanup and Fee Reform Act of 1997 and implemented many of the recommendations made by the Fee Reform Task Force mandated under SB 1222. Effective January 1, 1998 SB 660 eliminated the generator fee surcharge and restructured the generator fee, disposal fee, facility fee and the environmental fee. Effective July 1, 1998, the fees for a preliminary endangerment assessment for site mitigation, extremely hazardous waste, border zone property assessment, waste classification, variance and class I modification will be eliminated. However, variances, (except variances for transporters), waste classifications and preliminary endangerment assessments, will become cost reimbursement activities. SB 660 also established the new Toxic Substances Control Account (TSCA) for the environmental fee, cost reimbursements and other revenues not listed in this summary. TSCA funds are to be expended for site remediation, technology programs, and administration and implementation of cleanup programs.

In FY 98/99, SB 2240, Committee on Environmental Quality (c. 882, stats. 1998) allowed DTSC to chose either the Standard Industrial Classification (SIC) system or the North American Industry Classification (NAIC) system, whichever they deem suitable, when providing BOE with a list of codes for the environmental fee. While SB 660 eliminated the manifest fee for manifests used solely for recycled waste, this bill added a fee for manifests used to transport hazardous wastes derived from air compliance solvents. SB 2014, Schiff (c. 737, stats. 1998) provided for possible refunds to generators who paid fees to a certified unified program agency (CUPA) or recycled waste at an offsite facility.

In FY 99/00, SB 606, O'Connell (c. 745, stats. 1999) added a penalty to the disposal fee of five (5) times the normal disposal fee rate for recyclable wastes that have been land disposed. This is in addition to any penalties that DTSC may assess through an enforcement action.

In FY00/01, AB2309, which would have extended the sunset date for the reduction of fees for disposal and facility fees set by SB660 (Chapter 870, Statutes of 1997), was vetoed.

In FY01/02, AB1259, Wiggins (c. 461, stats. 2001) requires DTSC to suspend or deny the permit of a hazardous waste facility if the owner or operator is delinquent in paying fees or penalties owed to DTSC provided all appeal rights have been exhausted or have expired. SB271, O'Connell, (c. 319, stats. 2001) streamlined the transportation of certain hazardous wastes from small generators, and used oil-related operations, by establishing a new consolidated manifesting procedure. This bill has also added additional kinds of wastes to the list of those that qualify for this manifesting procedure.

In FY02/03 there were no changes in the fee structure. The fees have been increased by the cost of living index where noted in the description for each fee.

In FY03/04 there were no changes in the fee structure. The fees have been increased by the cost of living index where noted in the description for each fee.

The following pages provide more detail for each fee charged by DTSC. Fees are arranged in alphabetical order.

SUMMARY OF FEES

ACTIVITY FEES FOR PERMITTING (Health and Safety Code Sections 25153, 25205.7 and 25205.18)

Fees shall be assessed upon application to DTSC by BOE for various permit applications, permit modifications or renewals. The fee is non-refundable, even if the application is withdrawn or the permit or modification is denied. The rates specified in Table 1 are for CY 2004 and shall be adjusted annually to reflect increases or decreases in the cost of living measured by the Consumer Price Index issued by the Department of Industrial Relations.

TABLE 1: Permitting Activity Fees CY 2004
Due Date: Upon Billing by the Board of Equalization

| | | | | |
|---|--|---|----------------------|---------------------|
| <u>New Permit Applications or ISD Part B Applications:</u> | | <u>Small</u> | <u>Medium</u> | <u>Large</u> |
| Land Disposal Facility | | \$126,341 | \$269,426 | \$462,741 |
| Storage, Treatment or Storage & Treatment Facility | | \$ 25,878 | \$ 47,188 | \$ 91,331 |
| Incinerator | | \$ 76,107 | \$161,351 | \$277,036 |
| TTU (Full Statewide Permit) | | \$ 19,790 | \$ 45,664 | \$ 91,331 |
| Postclosure Facility Permit | | \$ 12,175 | \$ 27,400 | \$ 45,664 |
| <u>Standardized Permitting Applications:</u> | | <u>Storage, Treatment or Storage & Treatment</u> | | |
| Series A | | \$ 38,869 | | |
| Series B | | \$ 24,266 | | |
| Series C and Small Quantity Series C | | \$ 6,466 | | |

Renewals: Facilities with a full permit or a standardized permit shall pay an amount equal to the fee that would have been assessed had the person requested the same changes in a modification application, but not less than one-half the fee required for a new permit.

Permit Modifications:

CLASS I - No charge.

CLASS II - Treatment and/or Storage Facility - At the election of the applicant, a Fee for Service agreed upon with DTSC or 20 percent of the fee for a new permit for

that facility for each unit directly impacted by the modifications, up to a maximum of 40 percent for each application for treatment and/or storage facilities.

Disposal Facility or Incinerator - At the election of the applicant, a Fee for Service agreed upon with DTSC or 15 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 30 percent for each application.

CLASS III -

Treatment and/or Storage Facility - At the election of the applicant, a Fee for Service agreed upon with DTSC or 40 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 80 percent for each application.

Disposal Facility or Incinerator - At the election of the applicant, a Fee for Service agreed upon with DTSC or 30 percent of the fee for a new permit for that facility for each unit directly impacted by the modifications, up to a maximum of 60 percent for each application.

- NOTE: 1. No facility or operator will be subject to a permit modification fee resulting from a revision of their closure plan after the facility has stopped treating, storing, or disposing of hazardous waste if the facility is exempt under 25205.3 (e) or 25205.2 (d) (2) & (3).
2. If the Department requires a permitted facility to submit an application to modify their allowable capacity they are not subject to the modification fee under Sections 25205.7 (a) or (d).

The above fees may be paid under a negotiated cost reimbursement agreement or at the flat rates shown above.

TABLE 2: Activity Fee Definitions for Full Permits

(For Postclosure permits these amounts apply to waste remaining after closure)

- ? "Small storage or treatment facility" - Manages 1,000 pounds or less of hazardous waste during any one month.
- ? "Medium storage or treatment facility" - Manages more than 1,000 pounds but less than 1,000 tons of hazardous waste during any one month.
- ? "Large storage or treatment facility" - Manages 1,000 tons or more of hazardous waste during any one month.

Activity Fees for Permitting do not apply to the following: (Section 25205.7)

1. Any variance issued to a public agency to transport wastes for purposes of operating a household hazardous waste collection facility, or to transport waste from a household hazardous waste collection facility, which receives household hazardous waste or hazardous waste from conditionally exempted small quantity generators pursuant to Article 10.8. (Section 25218).
2. A permanent household hazardous waste collection facility.
3. Any variance issued to a public agency to conduct a collection program for agricultural wastes.

- **CONSULTATIVE SERVICES** (Health and Safety Code Section 25201.9)

DTSC may, upon written request of any person, enter into an agreement to provide certain voluntary consultative services to businesses who request the advice and oversight of the State in complying with Health and Safety Code Chapter 6.5 (Hazardous Waste Control) or Chapter 6.8 (Hazardous Substance Account). The agreement shall require the person to reimburse DTSC for its costs pursuant to Article 9.2 (commencing with section 25206.1)

- **DISPOSAL FEES** (Health and Safety Code Sections 25174.1 through 25174.7)

Persons who dispose of hazardous waste to land at an authorized hazardous waste disposal facility in California shall pay a fee directly to the disposal facility, and the disposal facility shall transmit the fee to the Board of Equalization for deposit into the Hazardous Waste Control Account (HWCA) or the Federal Receipts Account (FRA). The fees specified below are the rates for CY 2004 and will be adjusted annually (except for the non-RCRA Cleanup Waste rate) to reflect increases or decreases in the cost of living as measured by the Consumer Price Index issued by the Department of Industrial Relations. Disposal fees are calculated using the total wet weight measured in tons, or fractions thereof, of the hazardous waste in the form in which the hazardous waste existed at the time of disposal, submission for disposal, or application to land using a land disposal method as defined in Section 66260.10 of Title 22 of the California Code of Regulations.

TABLE 3: Land Disposal Fees for CY 2004

Due Date: Upon Disposal at the Disposal Facility

(Base Rate is \$103.38)

| <u>Waste Category</u> | <u>Relative Rate</u> |
|---|----------------------|
| Non-RCRA Cleanup Wastes* (Excluding Asbestos) | \$ 5.72/ton |
| Other Non-RCRA Wastes* | \$ 16.86/ton |
| Ores and minerals* | \$ 13.44/ton |
| Extremely hazardous waste | \$206.76/ton |
| Restricted hazardous waste | \$206.76/ton |
| RCRA hazardous waste | \$ 41.77/ton |
| RCRA hazardous waste treated to non-RCRA | \$ 16.86/ton |
| RCRA hazardous waste generated in a cleanup action and treated to non-RCRA | \$ 5.72/ton |
| Incineration or Dechlorination residues disposed in state | \$ 5.17/ton |
| Waste disposed out of state | \$ -0- |

Note: Fees are paid on the first 5,000 tons per month disposed of or submitted for disposal at each onsite or offsite facility by each producer.

Land Disposal fees do not apply to any of the following: (H&SC 25174.7, 25174.1, and 25205.5):

1. Hazardous waste which result when a government agency, or its contractor, removes or remedies a release of hazardous waste in the state caused by another person.
2. Hazardous wastes generated or disposed of by a public agency operating a household hazardous waste collection facility in the state pursuant to Article 10.8, commencing with Section 25218, including, hazardous waste received from conditionally exempt small quantity commercial generators.
3. Hazardous waste generated or disposed of by local vector control agencies which have entered into a cooperative agreement pursuant to section 2426 or by county agricultural commissioners,

if the hazardous wastes result from their control or regulatory activities and if they comply with the requirements of this chapter and regulations adopted.

4. Hazardous waste disposed of, or submitted for disposal or treatment, which is discovered and separated from solid waste as part of a load checking program.
5. Hazardous waste disposed of by any person who acquires land for the sole purpose of owner-occupied single-family residential use, and who acquires that land without actual or constructive notice or knowledge that there is a tank containing hazardous waste on or under that property, if the waste is disposed in connection with the removal of the tank.

- **ENVIRONMENTAL FEE** (Health and Safety Code Section 25205.6)

On or before November 1 of each year DTSC provides BOE with a schedule of codes from either the Standard Industrial Classification (SIC) system established by the U.S. Department of Commerce or the North American Industry Classification (NAIC) system adopted by the U.S. Census Bureau, whichever it deems suitable, designating which classes of corporations use, generate, store or conduct activities related to hazardous materials. (Activities related to hazardous materials include the use of products such as paper, ink or plastic which were manufactured using hazardous materials). BOE then assesses and collects this fee from corporations with codes on DTSC's schedule. Corporations are required to report annually on an Environmental Fee Return provided by BOE. The rates specified in Table 4 are for CY 2004 and shall be adjusted annually to reflect increases or decreases in the cost of living measured by the Consumer Price Index issued by the Department of Industrial Relations.

TABLE 4: Environmental Fees CY 2004

Due Date: On the last day of February of 2005

| <u>Corporation Size</u> | <u>Fee</u> |
|----------------------------------|------------|
| less than 50 employees | \$ -0- |
| 50 but less than 75 employees | \$ 236 |
| 75 but less than 100 employees | \$ 416 |
| 100 but less than 250 employees | \$ 830 |
| 250 but less than 500 employees | \$ 1,779 |
| 500 but less than 1000 employees | \$ 3,322 |
| 1,000 or more | \$11,275 |

The number of employees employed by a corporation is the number of persons employed in this state for more than 500 hours during the previous calendar year for which the fee is due.

The environmental fee does not apply to nonprofit residential care facilities, insurance companies that pay tax on gross premiums in lieu of all other California taxes and licenses, or banks that pay a tax on net income in lieu of all other California taxes and licenses. Banks and insurance companies must pay the environmental fee for wholly owned corporations not engaged in banking or insurance.

- **EPA ID VERIFICATION FEE** (Health and Safety Code 25205.16)

DTSC is authorized to assess an annual verification fee on businesses with 50 or more employees that require an identification number issued by DTSC or by U.S. EPA. There is a cap of \$5,000 for each generator, hauler or facility who may have multiple ID numbers.

TABLE 5: EPA ID Verification Fee FY 03/04

Due Date: 30 days from the date of receiving a notice from the DTSC

| <u>Number of Employees</u> | <u>Fee</u> |
|---------------------------------|------------|
| less than 50 employees | \$ -0- |
| 50 but less than 75 employees | \$150 |
| 75 but less than 100 employees | \$175 |
| 100 but less than 250 employees | \$200 |
| 250 but less than 500 employees | \$225 |
| 500 or more employees | \$250 |

- **FACILITY FEES**

Any facility treating, storing or disposing of hazardous waste in California must have a hazardous waste facility permit. Currently, facility permits are classified into five tiers; full facility permit, standardized permit, permit-by-rule, conditional authorization and conditional exemption. The facility fee due is determined by the type or types of permits held by a facility operator.

All fees for notifications submitted after January 1, 1994, will be billed to facilities directly by BOE. The following is a brief summary of each of the five tiers. A more detailed description of each tier and the associated fees follow the summary.

1. Full Permit - RCRA equivalent permit required for all RCRA regulated facilities, and for any state regulated incinerators and land disposal facilities.
2. Standardized Permit - offsite, non-RCRA treatment or storage.
3. Permit-By-Rule - onsite, non-RCRA treatment.
4. Conditional Authorization - onsite, non-RCRA treatment of wastes with lower concentrations.
5. Conditional Exemption and Commercial Laundry - onsite, non-RCRA treatment of small quantities or low risk wastes. This also includes commercial laundries that clean textiles contaminated with hazardous waste.

? **FULL PERMIT FACILITY FEES** (Health and Safety Code Section 25205.1 (b), 25205.2, 25205.3, 25205.4 and 25209.7.)

Each operator of a facility shall pay an annual facility fee for each reporting period, or, any portion thereof, to BOE based on the size and type of the facility. Facility means any units or other structures, and all contiguous land, used for the treatment, storage, disposal, or recycling of hazardous waste, for which a permit or a grant of interim status has been issued by DTSC for that activity.

Facility fees are due and payable to the BOE annually in two installments each at 50% of the annual facility fee. BOE will be mailing prepayment forms to registered fee payers approximately 30 days prior to the due dates. The rates specified in Table 6 are for CY 2004 and shall be adjusted annually to reflect increases or decreases in the cost of living measured by the Consumer Price Index issued by the Department of Industrial Relations.

TABLE 6: Full Permit Facility Fees for CY 2004

Due Date: **Two Prepayments** - February 28, 2004 (during the reporting period)
 August 31, 2004 (during the reporting period)
Reconciliation - February 28, 2005 (any remaining balance)

| <u>Facility Type</u> | (Base Rate \$23,963) | |
|------------------------------------|----------------------|------------|
| | <u>Rate</u> | <u>Fee</u> |
| Mini storage facility | 25% base rate | \$ 5,991 |
| Small storage facility | 100% base rate | \$ 23,963 |
| Large storage facility | 2 x base rate | \$ 47,926 |
| Mini treatment facility | 50% base rate | \$ 11,982 |
| Small treatment facility | 2 x base rate | \$ 47,926 |
| Large treatment facility (Onsite) | 3 x base rate | \$ 71,889 |
| Large treatment facility (Offsite) | 3 x base rate | \$ 71,889 |
| Disposal facility | 10 x base rate | \$239,630 |

Land treatment units shall pay an annual fee equivalent to 2 percent of the land disposal fee in addition to the annual hazardous waste facility fee and shall be due at the same time as the facility fee.

Beginning January 1, 1994, a treatment or storage facility which has stopped treating or storing waste will be required to pay the applicable full permit facility fee for only one additional reporting period. For the additional reporting period, the fee will be based on the highest category in which the facility has operated in any previous year. Disposal facilities will pay twice the applicable full permit facility fee for one additional reporting period after operations have ceased. A facility is not considered to have stopped treatment, storage or disposal of waste unless these activities have actually ceased, and the facility has notified DTSC of its intent to close.

Full Permit Fees do not apply to the following:

1. Facilities operating under a standardized permit, permit-by-rule, conditional authorization or conditional exemption.
2. Facilities authorized by DTSC to clean and recycle excavated underground storage tanks until an effective date of a regulation adopted by DTSC governing the statewide requirements for the issuance of a permit for tank cleaning and recycling facilities.
3. A facility which has been issued a variance by DTSC from the requirement of obtaining a hazardous waste facility permit or grant of interim status (ISD) is not subject to the fee for any fiscal year following the reporting period in which the variance was granted.
4. Facilities who treat, store or dispose, if that activity took place before July 1, 1986, and if the fee for the activity was not paid prior to January 1, 1994.
5. Treatment facilities engaging in treatment exclusively to accomplish a removal or remedial action or a corrective action in accordance with an order issued by the U.S. EPA.
6. Any household hazardous waste collection facility operated pursuant to Article 10.8.
7. Any facility operated by a local government agency, or by any person operating a hazardous waste collection program under an agreement with a public agency.
8. That portion of a solid waste facility permitted which is used for the segregation, handling, and storage of hazardous waste separated from solid waste loads received by the facility, pursuant to a load checking program.

9. A facility used solely for the treatment, storage, disposal, or recycling of hazardous waste which results when a public agency or its contractor investigates, removes, or remedies a release of hazardous waste caused by another person.
10. For fees assessed in any reporting period beginning July 1, 1990, a facility which has been issued a permit for the purpose of storing hazardous waste on site, and whose permit has expired if all of the following has occurred:
 - a. The facility has received no waste from offsite since the permit expired.
 - b. The owner or operator gave DTSC timely notification of intent to close the facility, pursuant to regulations adopted by DTSC.
 - c. At least 90 days have elapsed since the owner or operator gave DTSC that notification.
 - d. DTSC did not complete its review of the closure plan within 90 days of receiving the notification.
11. Effective January 1, 1994, an operator who is operating in such a manner that a permit or a grant of interim status is required but who does not hold a permit or a grant of interim status is not required to pay facility fees. However, the operator could be subject to fines and penalties for operating without a permit or a grant of interim status. If the facility is allowed to operate pursuant to an order requiring the facility to obtain a permit within a specified amount of time, the order may also require fees to be paid while the permit issuance is pending as a condition of operation.

TABLE 7: Definitions for Full Permit Facilities

(Note: The term "capacity" referred to in the definitions below is the capacity provided in a permit, interim status document or federal Part A application.)

- | | |
|---|---|
| ? | "Mini-storage facility" means a storage facility which stores or has the capacity to store .5 tons (1,000 pounds) or less of hazardous waste during any one month of the current reporting period commencing on or after July 1, |
| ? | "Mini treatment facility" means a treatment facility which treats, and treats, or recycles, or has the capacity to treat, land treat or recycle .5 tons (1,000 pounds) or less of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. |
| ? | "Small storage facility" means a storage facility which stores more than or has the capacity to store .5 tons (1,000 pounds), but less than 1,000 tons, of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. |
| ? | "Small treatment facility" means a treatment facility which treats, land treats, or recycles, or has the capacity to treat, land treat or recycle, more than .5 tons (1,000 pounds), but less than 1,000 tons, of hazardous waste during any month of the current reporting period commencing on or after July 1, 1991. |
| ? | "Large storage facility" means a storage facility which stores or has the capacity to store 1,000 or more tons of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. |
| ? | "Large treatment facility" means a treatment facility which treats, land treats, or recycles, or has the capacity to treat, land treat or recycles, 1,000 or more tons of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. |

? **ONSITE TREATMENT** (Health and Safety Code 25201.14 (c) (4) & 25205.14)

AB 1772, Polanco (c.1325, stats. 1992), created permit levels that allow facilities that pose a lesser threat to public health and the environment to handle hazardous waste under certain conditions without being required to secure a full permit (See Health and Safety Code Section 25205.7) or pay facility fees (See Health and Safety Code Section 25205.2). Those who qualify for the lower level of permit and notify DTSC may fall under the tiers described in Table 8. All Onsite Hazardous Waste Treatment Notification fees are per facility. If a facility operates different units under different tiers, they only owe the fee for the highest tier. AB 1772 grants a facility exemption from past facility fees upon notification, as long as the facility was not permitted or granted interim status in the past. Facilities that notified in 1992 under PBR are still required to pay any PBR fees due to operating in 1992, regardless of which tier they fall under in 1993.

TABLE 8: Onsite Treatment Fees CY 2004

Due Dates: 30 Days After Billing
Reporting period begins January 1 each year

| <u>Type of Permit</u> | <u>Fee</u> |
|---|---|
| Permit-by-Rule (Fixed Units) | \$1,162 per facility* |
| Permit-by-Rule (Transportable) | \$1,162 per unit* |
| Conditional Authorization | \$1,162 per facility* |
| Conditional Exemption & Commercial Laundry | \$ 38 annually no charge for revisions or changes, & no inflation adjustment |
| Conditional Exemption-Limited | \$ 100 first year only - no annual fee – paid to Dept. |

*These amounts are adjusted annually to reflect increases or decreases in the cost of living measured by the Consumer Price Index issued by the Department of Industrial Relations.

? **POSTCLOSURE FACILITY FEES** (Health and Safety Code Section 25205.4(c) (9))

Facilities are required to report their facility size on a Hazardous Waste Facility Fee Return provided by BOE. The annual fees charged a facility with a postclosure permit specified in Table 9 are for CY 2004.

TABLE 9: Postclosure Facility Fees for CY 2004 - Annually

Due Dates: **Two Prepayments** - February 28, 2004 (during the reporting period)
- August 31, 2004 (during the reporting period)
Reconciliation - February 28, 2005 (any remaining balance)

| | During the first five years of the postclosure period | During the remaining years of the postclosure period |
|------------------------|--|---|
| <u>DTSC-Lead Sites</u> | | |
| Small Facility | \$ 5,725 | \$ 3,050 |
| Medium Facility | \$11,450 | \$ 6,100 |
| Large Facility | \$17,175 | \$10,300 |

RWQCB-Lead Sites

These fees shall be reduced by 50 percent for any facility for which an agency other than DTSC is the lead agency pursuant to paragraph (1) of subdivision (b) of Section 25204.6.

SB 27 created the standardized permit tier. Standardized permits are only for non-RCRA facilities. Each facility must pay an annual facility fee in addition to the activity fee (see Activity Fees 25205.7) assessed upon application for a permit or renewal. The amount of the fee is determined by the size and series designation of the facility. All fees will be billed to facilities directly by BOE.

Due Dates:

- **Two Prepayments** - February 28, 2004 (during the reporting period)
- August 28, 2004 (during the reporting period)
- **Reconciliation** - February 28, 2005 (any remaining balance)

| | |
|-------------------------|----------|
| Series A | \$11,730 |
| Series B | \$ 5,497 |
| Series C | \$ 4,617 |
| Small Quantity Series C | \$ 2,308 |

TABLE 11: Standardized Permit Fee Definitions

1. The total influent volume of liquid hazardous waste treated is greater than 50,000 gallons per calendar month.
2. The total volume of solid hazardous waste treated is greater than 100,000 pounds per calendar month.
3. Where both liquid and solid hazardous wastes are being treated, either the total volume of liquid waste treated exceeds the volume specified in number one (1) above, or the total weight of solid hazardous waste treated exceeds the weight specified in number two (2) above.
4. The total facility storage design capacity is greater than 500,000 gallons for liquid hazardous waste.
5. The total facility storage design capacity is greater than 500 tons for solid hazardous waste.
6. Where both liquid and solid hazardous waste are being stored, the total volume of liquid waste stored exceeds the volume specified in number four (4) above, or the total volume of solid hazardous waste stored exceeds the volume specified in number five (5) above.
7. A volume of liquid or solid hazardous waste is stored at the facility for more than one calendar year.

1. The total influent volume of liquid hazardous waste treated is greater than 5,000 gallons but less than 50,000 gallons per calendar month.
2. The total volume of solid hazardous waste treated is greater than 10,000 pounds but less than 100,000 pounds per calendar month.
3. Where both liquid and solid hazardous wastes are being treated, the total volume of liquid hazardous waste treated does not exceed the volume specified in number one (1) above, and the volume of solid hazardous waste treated does not exceed the volume specified in number two (2) above.
4. The total facility storage design capacity is greater than 50,000 gallons but less than 500,000 gallons for liquid hazardous waste.
5. The total facility storage design capacity is greater than 100,000 pounds but less than 500 tons for solid hazardous waste.

6. Where both liquid and solid hazardous wastes are being stored, the total volume of liquid hazardous waste stored does not exceed the volume specified in Number four (4) above, and the total volume of solid hazardous waste stored does not exceed the volume specified in number five (5) above.
- ? “**SERIES C**” standardized permit means a permit issued to a facility that does not store liquid or solid hazardous waste for a period of more than one calendar year, that does not conduct thermal treatment of hazardous waste, with the exception of evaporation, and meets one of the following conditions:
1. The total influent volume of liquid hazardous waste treated does not exceed 5,000 gallons per calendar month.
 2. The total volume of solid hazardous waste treated does not exceed 10,000 pounds per calendar month.
 3. Where both liquid and solid hazardous wastes are being treated, the total volume of liquid hazardous waste treated does not exceed the volume specified in number one (1) above, and the total volume of solid hazardous wastes treated does not exceed the volume specified in number two (2) above.
 4. The total facility storage design capacity does not exceed 50,000 gallons for liquid hazardous waste.
 5. The total facility storage design capacity does not exceed 100,000 pounds for solid hazardous waste.
 6. Where both liquid and solid hazardous waste are being stored, the total volume of liquid hazardous waste stored does not exceed the volume specified in number four (4) above, and the total weight of solid hazardous waste stored does not exceed the weight specified in number five (5) above.
- ? “**SMALL QUANTITY SERIES C**” standardized permit facility is a facility that treats less than 1,500 gallons or 3,000 pounds of waste in a month, or can store less than 15,000 gallons or 30,000 pounds of waste.

GENERATOR FEES (Health and Safety Code Section 25205.5, 25205.22 and 25174.7)

Every generator which produces 5 tons or more of hazardous waste shall pay BOE a generator fee for each generator site for each calendar year, or portion thereof. Facilities permitted under a full or standardized permit who pay annual facility fees for a specific site do not owe a generator fee for that site. Generators are required to report the amount of waste generated on a hazardous Waste Generator Fee Return provided by BOE. The rates specified in Table 12 are for CY 2004 and shall be adjusted annually to reflect increases or decreases in the cost of living measured by the Consumer Price Index issued by the Department of Industrial Relations.

TABLE 12: Generator Fees CY 2004

Due Date: **One Prepayment** - August 31, 2004 (during reporting period)

Final - February 28, 2005 (after the reporting period)

Base Rate: \$3,332

| <u>Generator Size</u> | | <u>Rate</u> | <u>Fee</u> |
|-----------------------|-----------------|----------------|------------|
| less than | 5 tons/year | 0% base rate | \$ -0- |
| 5 but less than | 25 tons/year | 5% base rate | \$ 167 |
| 25 but less than | 50 tons/year | 40% base rate | \$ 1,333 |
| 50 but less than | 250 tons/year | 100% base rate | \$ 3,332 |
| 250 but less than | 500 tons/year | 5 x base rate | \$ 16,660 |
| 500 but less than | 1,000 tons/year | 10 x base rate | \$ 33,320 |
| 1,000 but less than | 2,000 tons/year | 15 x base rate | \$ 49,980 |
| 2,000 or more | tons/year | 20 x base rate | \$ 66,640 |

In addition, generators who dispose of waste to land may be subject to land disposal fees imposed pursuant to Section 25174.1.

Generators who have paid a facility fee or received a credit under Health and Safety Code, Section 25205.2 (2) are exempt from the generator fee.

Senate Bill 2014, Schiff (c.737, stats. 1998) provides for two potential refunds for hazardous waste generators.

1. The first potential refund is for generators who paid generator fees to BOE and in the same year also paid generator inspection fees to a CUPA. In addition, the generator must also have received a state generator fee credit for local fees paid for 1996.
2. The second potential refund is for generators who submitted hazardous waste to a permitted offsite facility for recycling. For this purpose recycling does not include hazardous waste which is burned in a boiler, industrial furnace or incinerator; disposed of; or used to produce products applied to land.

Other specific requirements apply to each of the two potential types of refunds. In addition, no refunds will be made unless DTSC certifies that funds are available for the refunds. Separate applications for each type of refund must be submitted to BOE by September 30 of each year for the prior calendar year. For information regarding the application process please contact BOE at (916) 322-9534.

The following materials are not hazardous wastes for purposes of fee assessments:

1. Hazardous materials which are recycled and used onsite, and are not transferred offsite.
2. Aqueous waste treated in a treatment unit operating, or which subsequently operates, pursuant to a permit by rule, or pursuant to Section 25200.3 or 25201.5. However, hazardous waste generated by a treatment unit treating waste pursuant to a permit-by-rule, by a unit which subsequently obtains a permit-by-rule or other authorization pursuant to Section 25200.3 or 25201.5 is hazardous waste.

Generator Fees do not apply to:

1. Hazardous waste which results when a government agency, or its contractor, removes or remedies a release of hazardous waste in the state caused by another person.
2. Hazardous wastes generated or disposed of by a public agency operating a household hazardous waste collection facility in the state pursuant to Article 10.8, including, hazardous waste received from conditionally exempt small quantity commercial generators.
3. Hazardous waste generated or disposed of by local vector control agencies which have entered into a cooperative agreement pursuant to section 2426 or by county agricultural commissioners, if the hazardous wastes result from their control or regulatory activities and if they comply with the requirements of this chapter and regulations adopted.
4. Hazardous waste disposed of, or submitted for disposal or treatment, which is discovered and separated from solid waste as part of a load checking program.
5. Any person who acquires land for the sole purpose of owner-occupied single-family residential use, and who acquires that land without actual or constructive notice or knowledge that there is a tank containing hazardous waste on or under that property, is exempt from the fees imposed pursuant to Section 25174.1, 25205.5, and 25345, in connection with the removal of the tank.

- **MANIFEST FORMS** (Title 22, Division 4.5, CCR, Section 66262.20)

A generator who transports, or offers for transportation, hazardous waste for off-site transfer, treatment, storage, or disposal shall prepare a Manifest before the waste is transported off-site. Requests for these forms should be submitted to the Department of General Services, Documents and Publications, P.O. Box 1015, North Highlands, CA 95660. The costs of the forms are as follows:

TABLE 13: Manifest Forms CY 2004

| <u>Quantity</u> | <u>Fee</u> |
|-----------------|------------|
| Box of 400 | \$81.00 |
| Package of 50 | \$18.95 |

- **MANIFEST REPROCESSING FEE** (Health and Safety Code Section 25160.5)

DTSC has authority to assess a \$20 reprocessing fee for each improperly completed manifest form that is returned to the person who completed the manifest.

- **MANIFEST USER FEE** (Health and Safety Code 25205.15)

Effective July 1, 1998, this section authorizes DTSC to assess a fee of \$7.50 for each manifest used, except that manifests used solely for recycled waste which will be exempt. The fee is due within 30 days from the date of receipt of the billing by DTSC.

In addition, a fee of \$3.50 will be assessed for each manifest used after December 31, 1998 that is used solely for hazardous waste derived from air compliance solvents. Persons erroneously reporting this waste on a California Uniform Hazardous Waste Manifest rather than the transport of other types of hazardous waste will pay the \$7.50 manifest fee plus an error correction fee of \$20.

- **OTHER MISCELLANEOUS FEES** (State Administrative Manual, Section 8740)

In accordance with the requirements of the State Administrative Manual DTSC may charge a fee for any requests to retrieve and copy Departmental records.

- **REGISTERED ENVIRONMENTAL ASSESSOR FEES** (Health and Safety Code, Section 25570.3)

TABLE 14: REA Fees for CY 2004

REA I

Application Fee: \$50.00
Annual Registration Fee: \$100.00
Five-Year Renewal Application Fee: \$50.00

REA II

Application Fee: \$125.00
Annual Registration Fee: \$275.00
Five-Year Renewal Application Fee: (This fee has not yet been set. The maximum fee allowed by statute is \$125.00)

These fees do not increase with the cost of living, however, the REA Program has statutory authority to increase the REA II annual registration fee to the maximum of \$500.

NOTE: For information regarding the REA fees, please contact Michele Oulrey at: (916) 327-1077

- **SALE OF MATERIALS** (Health and Safety Code Section 25201.11)

DTSC may sell, lease or license materials including but not limited to videotapes, audiotapes, books, pamphlets and computer software.

CONTACT PERSON FOR THIS DOCUMENT IS: Jo Nelson - (916) 322-0477

CONTACT FOR THE REA FEES IS: Michele Oulrey – (916) 327-1077

This document can also be found on our Web site at:

www.dtsc.ca.gov

Publications & Forms

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Fees